

US DISTRICT COURT

UNITED STATES OF AMERICA

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

CONCORD NH

UNITED STATES OF AMERICA

2014 SEP 10 P 2:26

v

JOHNATHON IRISH

13-CR-00142-PB-1

**MOTION TO RETURN THE DEFENDANT TO NEW HAMPSHIRE BASED ON
COMPLETED EVALUATION.**

Now comes Johnathon Irish the defendant in the above mentioned docket threw a Motion to the court to have him returned to the State of New Hampshire do to the fact that the court ordered evaluation has been completed.

- 1) On or around August 28th 2014 Mr. Irish was informed by Dr. Damisa the evaluator from The Metropolitan Correctional Center in Manhattan New York where the defendant is being housed for this evaluation, that his court ordered evaluation has been completed and that she has sent the Letter of Release and other required documents to the intake department and the court.
- 2) As of September 9th 2014 the court has not received any documents from MCC New York regarding this case or this defendant.
- 3) Threw out the defendants unpleasant stay at the MCC facility Mr. Irish has been making repeated attempts to speak with supervisors and they have all gone unanswered. The defendant has been requesting to make an unmonitored call to his Attorney Lawrence Vogelman to talk details regarding his case and that as well is being denied.
- 4) Mr. Irish has had more than limited contact with his Attorney. The only call that the defendant had with his Attorney regarding the unpleasant stay in the facility he was advised to "blend and adapt" with the wide range of criminals in the facility. Mr. Irish for more than obvious reasons refuses to "blend and adapt" with the poor childish mindset's of the violent criminals he is forced to be surrounded by.
- 5) Mr. Irish is in fear for his safety and security in this facility and has attempted to contact his Attorney about these concerns as well as Mr. Irish has filed multiple requests to speak with the facility's supervisors and all of his requests have gone unanswered.
- 6) Mr. Irish's family members have also attempted to make contact with a supervisor at the MCC facility and have dealt with nothing but rude correctional officers whom refuse to provide their name's and every time they say they are transferring them to a supervisors line they really hang up the phone.
- 7) Mr. Irish's attorney claims to have recently spoken with the federal prosecutor Nick Abramson about his client's return to the State and Abramson claims that his return can not be expedited until the paperwork has been received by the court and both state that they are aware that the evaluation was completed at least 2 (two) weeks ago.
- 8) Knowing that the evaluation has been long completed and there is no longer any reason what so ever for Mr. Irish to be housed at the Metropolitan Correctional Center he strongly requests to be immediately returned to a New Hampshire Correctional Center or Facility.
- 9) This unexpected transfer to New York has taken poor toll on the defendant's family in reason's toward his young Daughter has not been able to visit with her Father which is resulting in her dealing with signs of

depression which is not something that a 3 year old should be forced to experience. As well as Mr. Irish's Fiancee's health as this is taking a toll on her stress levels. As mentioned before Mr. Irish's Fiancee suffers from stress induced seizures and sense this ordeal began in November of 2013 she went from not needing any medications to having no choice but to be prescribed to take 3 three different medications.

- 10) During Mr. Irish's current stay at the Metropolitan Correctional Center he has been assaulted and sexually harassed. When Mr. Irish requests to see a supervisor about these issues and concerns he is denied.
- 11) Mr. Irish requests that he gets returned to the State of New Hampshire no later than September 18th as this evaluation process has in his believe and understanding has taken longer than the courts expedited requested time frame for completion.
- 12) When Mr. Irish was transported from Strafford County in Dover NH to Brooklyn NY he had a file of documents. When he was moved from Brooklyn NY to MCC, NY the documents were "misplaced". Mr. Irish was given his documents the morning of August 20th 2014 and noticed that there was 4 documents missing. These documents came from the governments discovery and are page numbers 712,713,714 and 697. These documents can be replaced but it is unnerving that they went missing in the first place.

WHEREFORE, Mr Irish respectfully requests that this Honorable Court;

1. Grant this motion to return him to the State of New Hampshire based on the fact that the court ordered evaluation has been completed and there is not further reason for him to be housed in the MCC Facility.
2. Mr. Irish requests that he be returned no later than September 18th as this evaluation process has taken longer than the courts expedited request time frame for completion.
3. Any other relief that this Honorable Court deems just and fair.

Respectfully Submitted

Johnathon S. Irish

CERTIFICATE OF SERVICE

I hereby certify that on this day, September 10th 2014 that this motion has been forwarded to the Federal Prosecutor U.S.D.A. Nick Abramson at 53 Pleasant Street, 4th floor Concord, NH 03301

Johnathon S. Irish